

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RICHARD BLAKELY and REGINA
BLAKELY

Plaintiffs,

v.

UNITED AIRLINES, INC,

Defendants.

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CASE NO.: _____

NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant United Airlines, Inc. (“United”) gives notice to this Court of the removal of Cause No. 2017-82943 from Harris County, Texas’ 164th Judicial District Court to the United States District Court for the Southern District of Texas, Houston Division pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, as follows:

I. BACKGROUND

1. This is a personal injury action that arises from a flight from Fort Lauderdale, Florida to Houston, Texas. *See* Plaintiff’s Original Petition (“Petition”), at ¶ 7 [**Exhibit D**]. Plaintiffs allege that during the flight’s landing at the Bush Intercontinental Airport, the aircraft “forcefully hit and/or struck the landing strip” resulting in bodily injuries to Plaintiffs. *See* Exhibit D, Petition at ¶ 7.

2. On December 14, 2017, Plaintiffs filed the Original Petition against United in the 164th Judicial District Court of Harris County, Texas under Cause No. 2017-82943. *See Id.* at p.

1.

3. Plaintiffs assert a negligence cause of action against United and each Plaintiff contends they suffered personal injury and monetary damages “of over \$1,000,000 but not more than \$10,000,000.” *See Id.* at ¶¶ 12-13.

4. United was served with citation and a copy of Plaintiff’s Original Petition on December 20, 2017. *See* Service Affidavit attached as Page 2 to the Citation for United Airlines [Exhibit E].

II. GROUNDS FOR REMOVAL

A. Diversity of Citizenship

5. In this lawsuit, there is complete diversity of citizenship between Plaintiffs and Defendant and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. Specifically, at the time the Petition was filed, and at the time of removal, United—a Delaware corporation with its principal place of business in Chicago, Illinois—was a citizen of Delaware and Illinois, and Plaintiffs were residents and domiciles of the State of Texas. *See* Exhibit D, Petition at ¶¶ 2-3.

6. In addition, Plaintiff pleads damages in excess of \$75,000. *See Id.* at ¶¶ 12-13.

7. Consequently, this Court has original jurisdiction pursuant to 28 U.S.C. § 1332 and removal is proper under 28 U.S.C. § 1441(b).

III. REMOVAL PROCEDURE

8. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely filed within thirty days after United received a copy of Plaintiff’s Original Petition.

9. United is the only defendant. No other entities need consent to or join in this removal.

10. United has complied with all applicable removal provisions of 28 U.S.C. § 1441 *et seq.*, the applicable Federal Rules of Civil Procedure, and the Local Rules of this Court.

11. Pursuant to Local Rule 81, United attaches the following:

- a. **Exhibit A** — Index of Matters Being Filed
- b. **Exhibit B** — List of All Counsel of Record;
- c. **Exhibit C** — Docket Sheet;
- d. **Exhibit D** — Plaintiff's Original Petition;
- e. **Exhibit E** — Service of Process on United (Executed Process); and
- f. **Exhibit F** — United's Original Answer and Jury Demand

12. United has given notice of this removal to Plaintiff and the 164th Judicial District Court of Harris County contemporaneously with the filing of this Notice of Removal and has filed a copy of this Notice of Removal with the Clerk of the 164th Judicial District Court of Harris County, Texas.

IV. CONCLUSION

WHEREFORE, Defendant United Airlines, Inc. respectfully requests that this action proceed in this Court as an action properly removed to it.

Respectfully submitted,
STILWELL LAW FIRM, PLLC

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ATTORNEYS FOR DEFENDANT UNITED
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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of January 2018, a true and exact copy of the foregoing document has been served on all counsel of record pursuant to the Federal Rules of Civil Procedure. The pleading was served using the Court's electronic filing system and was also emailed to counsel for Plaintiffs at:

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